

Notice of Allowability

Application No.

09/329,487

Examiner

Dr. Marc E. Norman

Applicant(s)

KRISS ET AL.

Art Unit

3744

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERIT IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 9/18/08.
2. ☒ The allowed claim(s) is/are 1,3,4,6-30,33-43,45-51,53-55 and 57.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date ____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-613), Paper No./Mail Date ____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Peter Cesarz on 14 October 2008.

The application has been amended as follows:

At claim 1, the following step has been added to the end of the claim:

-- and generating at least one factor matrix for scoring at least one of the panelist data or the customer data based on said aggregating and said performing an unrotated principal components factor analysis. --

At claim 30, the following step has been added to the end of the claim:

-- and generating at least one factor matrix for scoring at least one of the panelist data or the customer data based on said aggregating and said performing an unrotated principal components factor analysis. --

At claim 43, following the word “data” in line 8 of the claim, the following text has been added:

-- associated with at least one of purchases made by the panelists or purchases made by the customers, the analyzing means generating at least one factor matrix for scoring the purchase data based on said unrotated principal components factor analysis; --

The following is an examiner’s statement of reasons for allowance:

As per independent claims 1 and 30, the prior art (and in particular the applied Klepacki, Yamamoto et al., and Internet Archives references) do not teach or render obvious the recited method combination as amended. While unrotated principal factor analysis is a known statistical technique, there is no evidence from the prior art that, without considerable hindsight knowledge, one of ordinary skill in the art would have conceived of or been motivated to perform (in combination with the recited reading, determining, and estimating steps) the steps of aggregating the panelist data and the customer data according to categories, performing an unrotated principal components factor analysis on at least one of the aggregated panelist data or the aggregated customer data, and generating at least one factor matrix for scoring at least one of the panelist data or the customer data based on said aggregating and said performing an unrotated principal components factor analysis.

As per independent claim 43, the prior art (and in particular the applied Klepacki, Yamamoto et al., and Internet Archives references) do not teach or render obvious the recited

system combination as amended, and in particular the analyzing means to perform an unrotated principal components factor analysis based upon purchase data associated with at least one of purchases made by the panelists or purchases made by the customers, the analyzing means generating at least one factor matrix for scoring the purchase data based on said unrotated principal component factor analysis, and means for estimating purchases by the customers from the other suppliers based upon the analyzed purchases.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Marc E. Norman whose telephone number is 571-272-4812. The examiner can normally be reached on Mon.-Fri., 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl Tyler can be reached on 571-272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Dr. Marc E. Norman/
Primary Examiner, Art Unit 3744